

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Suburban Propane,

Plaintiff,

vs.

5:03-CV-1316 (FJS/DEP)

Norfolk Southern Corporation, *doing business as Norfolk Southern*,

Defendant.

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court having been advised by counsel that the above entitled action has been settled, or is in the process of reaching a settlement, it is unnecessary for the action to remain active on the Court's calendar. Therefore, it is

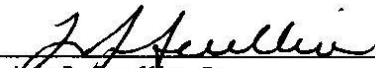
ORDERED that the action is dismissed **WITHOUT PREJUDICE** and that the Court will retain jurisdiction to vacate this order and reopen the action for good cause shown that the settlement was not consummated and that further litigation is necessary, upon a motion by any party **within 60 days from the date of this order**. It is further

ORDERED that if no motion is filed, the dismissal will become **WITH PREJUDICE on the 61st day after the date of this order**. It is further

ORDERED that upon reaching a final settlement, the parties shall file, with the Court, a stipulation of discontinuance and/or a settlement agreement. It is further

ORDERED that the Clerk shall serve copies of this judgment upon all counsel via electronic means..

Date: August 3, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge